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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Kim J. Dato, et al.
Appl. No.	:	10/680,938
Filed	:	October 7, 2003
For	:	**METHOD AND APPARATUS FOR DISPENSING SPOOLED MATERIAL**
Examiner	:	Haugland, Scott J.
Group Art Unit:		3654

DECLARATION OF KIM J. DATO UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Kim J. Dato, a citizen of the United States, hereby declare and state as follows:

1. I am one of the co-inventors of U.S. Patent Application No. 10/680,938 (the '938 Application from hereon), which describes the claimed Curlytails LLC proprietary technology as set forth in Independent Claims 39, 40, 44, 45, 58, 59, 60, 61 discussed subsequently herein (hereinafter the "Curlytails Invention"). I have been involved with Curlytails LLC or its predecessor entities for more than 10 (ten) years. During that time, I have been involved in the design, development and testing of the product incorporating the Curlytails Invention referenced in the Declaration of Mitchell Truelock filed contemporaneously herewith ("Truelock Declaration") for the above-referenced patent application ("Curlytails Product").

2. The Curlytails Product identified in the Truelock Declaration correlates to at least those currently pending independent claims of the above-captioned application identified below.

3. The following charts compare the above-listed independent claims of the '938 Application to the Curlytails Product.

a. Independent Claim 39

Claim Recitation	Curlytails Product
Curled ribbon dispensing apparatus, comprising:	The Curlytails Product comprises a curled ribbon dispensing apparatus.
a housing having at least first and second housing elements, said first and second housing elements forming a recess when mated together;	The Curlytails Product comprises a housing having at least first and second housing elements (i.e., the first and second elements are hinged together and are folded to mate with one another), where the first and second housing elements form a recess when mated together.
a plurality of elongate spools of curled ribbon disposed substantially within said recess,	The Curlytails Product comprises a plurality of elongated spools of curled ribbon disposed substantially within the housing recess.
said ribbon wound onto said spools in a substantially helical pattern after at least a portion thereof has been curled; and	The Curlytails Product comprises helically wound ribbon that is curled prior to being wound onto the spools. See U.S. Patent 6,656,104 for exemplary apparatus used to perform this ribbon curling.
a plurality of elongate apertures disposed in proximity to and substantially parallel to longitudinal axes of respective ones of said spools, said apertures being adapted to pass said ribbon from said respective ones of said spools therethrough;	The Curlytails Product comprises a plurality of elongate apertures (slits) disposed in proximity to and substantially parallel to longitudinal axes of respective ones of the spools. The apertures are adapted to pass ribbon from the spools as the user pulls on the free end of the ribbon.
wherein at least one of said housing elements has at least a portion thereof which is substantially transparent, such that a user may view said spools therethrough.	The Curlytails Product comprises a substantially transparent housing so that a user may view the spools.

b. Independent Claim 40

Claim Recitation	Curlytails Product
Curled ribbon dispensing apparatus manufactured according to the method comprising:	The Curlytails Product comprises a curled ribbon dispensing apparatus manufactured according to a method.
providing a quantity of uncurled ribbon; curling at least a portion of said ribbon;	The Curlytails Product comprises a quantity of uncurled ribbon that has been curled.
disposing at least a portion of said ribbon on a substantially elongate spool after said at least portion has been curled;	The Curlytails Product comprises ribbon disposed on a substantially elongated spool after the ribbon has been curled (i.e. the ribbon is passed over a curling apparatus and then wound onto the spool(s)).

Claim Recitation	Curlytails Product
forming a housing from a plurality of elements which, when mated, form a recess, at least one of said elements having an aperture formed therein;	The Curlytails Product comprises a housing formed from a plurality of elements that when mated form a recess. One of the housing elements has one or more apertures formed therein for dispensing ribbon.
after substantially all of said uncurled ribbon had been curled and disposed on said spool, disposing said spool with said curled ribbon within said recess;	The Curlytails Product comprises one or more elongate spools wound with the curled ribbon, the spool(s) being disposed within the recess of the housing.
threading a free end of said ribbon through said aperture; and	The Curlytails Product has a free end of the ribbon(s) threaded through the aperture(s)
mating said at least two housing elements.	The Curlytails Product housing elements are mated together after the spools are placed in the recess.

c. Independent Claim 44

Claim Recitation	Curlytails Product
Apparatus for dispensing heterogeneous curled ribbons, comprising:	The Curlytails Product comprises an apparatus for dispensing heterogeneous (e.g., different colored or textured) curled ribbons.
a housing having a plurality of housing elements, said housing having a recess formed therein;	The Curlytails Product comprises a housing having a plurality of housing elements, and a recess formed therein.
a plurality of spools of curled ribbon disposed substantially within said recess in substantially parallel orientation,	The Curlytails Product comprises a plurality of spools of curled ribbon disposed within the recess in a substantially parallel orientation.
said ribbon having a curl radius before winding onto said spools and being wound onto said spools in a substantially helical pattern,	The Curlytails Product comprises ribbon having a curl radius before winding onto the spools (i.e., it is curled before being wound), and being wound onto the spools in a substantially helical, back-and-forth pattern
said spools having a radius similar to said curl radius; and	The Curlytails Product comprises spools (to include the ribbon wound thereon) having a radius generally similar to the curl radius of the ribbon.
a plurality of elongate apertures disposed in proximity to and substantially parallel to longitudinal axes of respective ones of said spools,	The Curlytails Product comprises a plurality of elongate apertures disposed in proximity to and substantially parallel to longitudinal axes of respective ones of the spools.
said apertures being adapted to pass said ribbon from said respective ones of said spools therethrough;	The Curlytails Product apertures are adapted to pass ribbon from respective ones of the spools therethrough.
wherein at least a portion of said spools carry ribbon different in at least one attribute from that on any other of said spools.	The Curlytails Product comprises a plurality of spools of ribbon where each of the spools has a different color.

d. Independent Claim 45

Claim Recitation	Curlytails Product
A dispenser for spooled ribbon, comprising:	The Curlytails Product comprises a dispenser for spooled ribbon.
a housing element having a recess formed therein;	The Curlytails Product comprises a housing element having a recess formed therein.
a plurality of spools of pre-curled ribbon disposed substantially within said recess of said housing element; and	The Curlytails Product comprises a plurality of spools of pre-curled ribbon disposed substantially within the recess of the housing element.
a plurality of apertures disposed in proximity to respective ones of said spools, said apertures being adapted to pass said pre-curled ribbon from said respective ones of said spools therethrough,	The Curlytails Product comprises a plurality of apertures disposed in proximity to respective spools. The apertures are adapted to pass the pre-curled ribbon from respective spools.
wherein said pre-curled ribbon has a radius associated with said curl,	The Curlytails Product comprises pre-curled ribbon having a radius associated with its curl.
said pre-curled ribbon being disposed on said spools in a helical lay pattern,	The Curlytails Product comprises pre-curled ribbon which is disposed on the spools in a helical lay pattern.
the radius of said spools further being selected so as to be substantially similar to that of said radius associated with said curl of said pre-curled ribbon before it is placed on said spools.	The Curlytails Product comprises spools (to include the ribbon wound thereon) having a radius that is similar to that of the radius associated with the curl of the pre-curled ribbon before it is placed on the spools.

e. Independent Claim 58

Claim Recitation	Curlytails Product
A dispenser for dispensing pre-curled ribbon which maintains at least some of said pre-curl after being dispensed, comprising:	The Curlytails Product comprises a dispenser for dispensing pre-curled ribbon which maintains at least some of its pre-curl after being dispensed.
a housing element comprising a transparent material and having a recess formed therein;	The Curlytails Product comprises a housing element made of transparent material and having a recess formed therein.
a plurality of spools of pre-curled ribbon disposed substantially within said recess of said housing element,	The Curlytails Product comprises a plurality of spools of pre-curled ribbon disposed within the recess of the housing element.
said spools each having first and second ends, said ribbon on each spool being of different color than that of at least some of others of said plurality of spools;	The Curlytails Product comprises spools each having first and second ends. The ribbon on each spool being of different color than of the other spools.

Claim Recitation	Curlytails Product
a plurality of spindle elements formed within said recess and disposed so as to rotatably receive respective ones of said ends of said spools; and	The Curlytails Product comprises a plurality of spindle elements (e.g., specially shaped recesses) formed within the housing recess (cavity) and disposed so as to rotatably receive respective ends of spools.
a plurality of apertures formed in said housing element disposed in proximity to respective ones of said spools, said apertures being adapted to pass said ribbon from said respective ones of said spools therethrough;	The Curlytails Product comprises a plurality of apertures formed in the housing element disposed in proximity to respective ones of the spools. The apertures are adapted to pass ribbon from respective spools.
wherein use of said pre-curled ribbon within said dispenser obviates the need for any curling apparatus on said dispenser.	The Curlytails Product usage of pre-curled ribbon obviates the need for any curling apparatus on the dispenser (i.e., the ribbon is pre-curled on the spool).

f. Independent Claim 59

Claim Recitation	Curlytails Product
A curler-less apparatus for dispensing pre-curled ribbon that is curled by a curling mechanism before being placed on a spool, comprising:	The Curlytails Product comprises a curler-less apparatus for dispensing pre-curled ribbon that is curled by a curling mechanism before being placed on a spool.
a housing having at least first and second matable elements each comprising a polymer material and forming a substantially enclosed recess when mated;	The Curlytails Product comprises a housing having at least first and second matable elements each comprising a polymer material and forming a substantially enclosed recess when mated.
a plurality of spools of pre-curled ribbon curled by said curling mechanism before being placed on said plurality of spools disposed substantially within said recess of said housing element,	The Curlytails Product comprises a plurality of spools of pre-curled ribbon curled by a curling mechanism before being placed on spools, the spools are disposed substantially within the housing element recess.
said spools each having first and second ends and being disposed in a substantially parallel within said recess; and	The Curlytails Product spools each have first and second ends and are disposed in a substantially parallel orientation within the recess.
a plurality of apertures formed in said housing element disposed in proximity to respective ones of said spools,	The Curlytails Product comprises a plurality of apertures formed in the housing element disposed in proximity to respective spools.
said apertures being adapted to pass said ribbon from said respective ones of said spools therethrough;	The Curlytails Product comprises apertures adapted to pass ribbon from respective spools.

Claim Recitation	Curlytails Product
wherein said housing elements cooperate to maintain said spools in relative alignment within said recess without the use of a central partition within said recess.	The Curlytails Product comprises housing elements that cooperate to maintain the spools in relative alignment within the recess without the use of a central partition (i.e., when mated, the housing elements "capture" the spools in a fixed but rotatable position).

g. Independent Claim 60

Claim Recitation	Curlytails Product
A dispenser for pre-curled ribbon, comprising:	The Curlytails Product comprises a dispenser for pre-curled ribbon.
a housing element comprising a polymer material and having a recess formed therein;	The Curlytails Product comprises a housing element made of a polymer (e.g., polyethylene) material and having a recess formed therein.
a plurality of spools of pre-curled ribbon disposed substantially within said recess of said housing element, said spools each having first and second ends;	The Curlytails Product comprises a plurality of spools of pre-curled ribbon disposed substantially within the recess of the housing element. Each of the spools having first and second ends.
a plurality of spindle elements disposed so as to rotatably engage respective ones of said ends of said spools; and	The Curlytails Product comprises a plurality of spindle elements (here, specially shaped recesses) disposed so as to rotatably engage respective ends of the spools.
a plurality of apertures formed in said housing element disposed in proximity to respective ones of said spools,	The Curlytails Product comprises a plurality of apertures formed in the housing element disposed in proximity to respective spools.
said apertures being adapted to pass said ribbon from said respective ones of said spools therethrough;	The Curlytails Product comprises apertures adapted to pass ribbon from respective spools.
wherein said pre-curled ribbon is disposed in a helical lay pattern on said spools, and the radius of at least one of said spools is selected so as to be substantially the same as the curling radius of said pre-curled ribbon, said curling radius being the radius of the curls of said pre-curled ribbon in a relaxed state; and	The Curlytails Product comprises pre-curled ribbon that is disposed in a helical lay pattern on spools. The radius the spools (to include the ribbon wound thereon) is substantially the same as the curling radius of the pre-curled ribbon. The curling radius is the radius of the curls of the pre-curled ribbon in a relaxed (unwound) state.
wherein use of said pre-curled ribbon obviates the need for any curling mechanisms on said dispenser.	The Curlytails Product design obviates the need for any curling mechanisms on the dispenser.

h. Independent Claim 61

Claim Recitation	Curlytails Product

Claim Recitation	Curlytails Product
Apparatus for dispensing pre-curled ribbon, comprising:	The Curlytails Product comprises an apparatus for dispensing pre-curled ribbon.
a housing element comprising a polymer material and having a recess formed therein;	The Curlytails Product comprises a housing element made of a polymer material and having a recess formed therein.
a plurality of spools of pre-curled ribbon disposed substantially within said recess of said housing element, said spools each having first and second ends;	The Curlytails Product comprises a plurality of spools of pre-curled ribbon disposed substantially within the recess of the housing element. Each of the spools having first and second ends
a plurality of spindle elements disposed so as to rotatably engage respective ones of said ends of said spools; and	The Curlytails Product comprises a plurality of spindle elements (here, specially shaped recesses) disposed so as to rotatably engage respective ends of the spools
a plurality of apertures formed in said housing element disposed in proximity to respective ones of said spools, said apertures being adapted to pass said ribbon from said respective ones of said spools therethrough;	The Curlytails Product comprises a plurality of apertures formed in the housing element disposed in proximity to respective spools. The apertures are adapted to pass ribbon from respective spools
wherein said pre-curled ribbon is disposed in a helical lay pattern on said spools, and the radius of at least one of said spools is selected so as to be substantially the same as the curling radius of said pre-curled ribbon, said curling radius being the radius of the curls of said pre-curled ribbon in a relaxed state; and	The Curlytails Product comprises pre-curled ribbon that is disposed in a helical lay pattern on the spools. The radius of the spools is selected so as to be substantially the same as the curling radius of the pre-curled ribbon. The curling radius is the radius of the curls of the pre-curled ribbon in a relaxed state
wherein use of said pre-curled ribbon obviates the need for any curling mechanisms on said dispenser.	The Curlytails Product design obviates the need for any curling mechanisms on the dispenser

5. All statements made herein of my own knowledge are true, and all statements made on information and beliefs are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Kim J. Dato
Co-Inventor of '938 Application

DATE: 11-30-05